

Appl. No.
Amdt. Dated
Reply to Office Action of

REMARKS/ARGUMENTS

The allowance of claims 21- 23, and the indicated allowability of claims 2-8, 10-14 and 16-20 if rewritten to overcome the rejections under 35 USC 112 and to include all the limitations of the base claim and any intervening claims, is noted and appreciated.

Favorable reconsideration of claims 1, 9 and 15, and favorable consideration of newly presented claims 24-26, is requested in view of the amendments made herein and the remarks that follow. A Request for Continued Examination is submitted with this amendment.

Claims 1, 9 and 15 have been amended to correct the informality noted by the examiner, and are believed to now comply with the requirements of 35 USC 112. New claims 24, 25 and 26 have been added to claim subject matter that is believed to patentably distinguish over the art of record.

Claims 1, 9 and 15 are believed to patentably distinguish over the art of record. The end panels are defined in these claims as having a hinged edge and an opposite free edge, and the notches are defined as being in the free edge, located equal distances from the respective closest fold line that extends between adjacent side panels.

In Wisser (6,220,508) the notches are in the free edge of only two of the panels, and in the other panels the notches are in the side edges of the panels. Further, the notches in both sets of panels extend across or are not spaced from or located an equal distance from the fold lines that extend between adjacent side panels.

Similarly, in Boutin (6,076,730) the notches 10A, 12A and 10B, 12B in one of the sets of end panels 8A and 8B are in the free edges of the panels, but on the other set of panels 14A and 14B the notches are in the side edges 16A and 18A of the panels rather than the free edge. See figure 1 and column 2, lines 38-45, wherein the notches are described as in opposed edge portions of the panels 14A and 14B.

Since neither Wisser nor Boutin teaches an arrangement wherein the notches are all in the free edges of the end panels, located equal distances from the fold lines between adjacent side

Appl. No.
Amdt. Dated
Reply to Office Action of


panels, the rejection of claims 1, 9 and 15 as anticipated by Wisser or Boutin under 35 USC 102(b) is improper and should be withdrawn. In order for a prior art reference to anticipate a claim, all of the claimed elements must be found in the reference.

In addition to the notches located in the free edge of the panels, new claims 24 and 26 define the diagonal score lines extending from each of the notches in one of the overlapping end panels to an outer corner formed by an intersection of one of the parallel fold lines closest to a respective one of said notches and the hinged edge of that panel, to facilitate interlocking of the notches. These structures and their attendant functions are not taught in any of the art of record.

New claim 25 defines the notches as in the free edge of the panels, spaced from the side edges of the panels, and therefore patentably distinguishes over the prior for the same reasons as discussed above in connection with claims 1, 9 and 15.

Moreover, it would not be obvious to combine the references to produce the claimed invention. There simply is no teaching in the references of the claimed structure, nor any suggestion or motivation for making the necessary modifications.

Respectfully submitted,
Dennis H. Lambert & Associates



Dennis H. Lambert
Reg. No. 25,017

DHL:cal

Dennis H. Lambert & Associates
7000 View Park Drive
Burke, Virginia 22015
Tel: 703-451-1227
Fax: 703-451-1297